

REMARKS/ARGUMENTS

Applicants have reviewed and analyzed the final Office Action dated November 9, 2007, and provide the following remarks and comments in response thereto. Claims 1, 4-6, 8 and 10-15 remain pending. Reconsideration and allowance are respectfully requested.

Statement of Common Ownership

Applicant's undersigned representative hereby states that the invention of the present application and the subject matter of U.S. Patent No. 6,205,485 to Kikinis ("Kikinis") were, at the time the present invention was made, owned by or subject to an obligation of assignment to iSurfTV Corporation.

Claim Rejections Under 35 U.S.C. §112

Claims 1, 10 and 14 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action asserts that no support is found in the specification that Applicants anticipated both time triggers and user-related signals both being used in conjunction. Applicants note that none of claims 1, 10 or 14 recites the phrase "user-related signal." Claims 1, 10 and 14 relate to user input or a user request for a change in the electronic programming guide at a predefined time. Such features are supported by the Specification at, for example, p. 12, ll. 7-10 and p. 13, ll. 12-19 (stating that "the invention in one aspect provides a system and process that allows a user to completely change topology of data representation based on a user request...A signal filter is a trigger for an event based on a trigger condition previously programmed into it based on either on user and or provider programmed and or selected criteria.") Thus, receiving a user request to change at least one portion of an electronic programming guide at a predefined time, as recited in claims 10 and 14 is clearly supported by Applicants' specification. Further, "a signal filter based on a user-input, wherein the user-input is a request for a use of at least one of: a different font type and a different background...wherein the control command is generated by the signal filter based on a time trigger" is also fully supported. Withdrawal of the rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 1 and 4-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nikolovska *et al.* (U.S. Patent No. 6,281,898, “Nikolovska”) in view of Handelman *et al.* (U.S. Patent No. 6,312,336, “Handelman”), Beer (U.S. Patent No. 5,793,368, “Beer”) and Watanabe *et al.* (U.S. Patent No. 6,223,347, “Watanabe”). This rejection is traversed for the following reasons.

Claim 1 recites “a morphing engine including a database of different EPG presentation solutions, the morphing engine is configured to select one of said EPG presentation solutions from the database based on a control command generated by the signal filter, *wherein the control command is generated by the signal filter based on a time trigger.*” (emphasis added). The Office Action concedes that none of Nikolovska, Handelman and Beer teach or suggest that the control command is generated by a signal filter based on a time trigger. Instead, the Office Action relies on Watanabe. Watanabe generally describes a system and method whereby at a predefined time, a display screen may change. Abstract; *see also* FIG. 26. Even assuming, without conceding, that Watanabe discloses a control command generated by a signal filter based on a time trigger, there would have been no motivation to combine the references in the asserted manner. The asserted motivation, to “grant[] a user enhanced control over control of the manner of output of the EPG” fails to address why one of ordinary skill in the art would have wanted to use *time triggers* to change a font or background. Further, Watanabe’s time triggers relate to the change of a broadcast program status. For example, in FIGS. 15 and 26, the time trigger is associated with a content switching and offers to purchase programming; not the modification of an EPG, much less a font or background of an EPG. According claim 1 is allowable for at least these reasons.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nikolovska, Handelman, Beer and further in view of Kikinis. Per the Statement of Common Ownership included herein, Kikinis is not a valid basis for rejection. Claim 8 is thus allowable for at least this reason.

Claims 2, 4-6 and 8 are dependent on claim 1 and are thus allowable for at least the same reasons as claim 1 and further in view of the novel and non-obvious features recited therein.

Independent claim 10 recites, *inter alia*, “in response to determining that the predefined time has been reached, modifying the electronic programming guide in accordance with the user requested change to the at least one portion of the electronic programming guide.” Nowhere do any of the cited references teach or suggest such features. At most, Beer discloses a method and system for allowing a user to retrieve a user interface and a visual style from a local or remote storage unit. Col. 2, ll. 9-13. Nonetheless, Beer lacks a teaching or suggestion of retrieving or using a visual style in response to determining that a predefined time has been reached, as recited in claim 10. Accordingly, claim 10 is allowable for at least these reasons. None of the cited secondary references cure these deficiencies of Beer. In particular, nowhere does Watanabe teach or suggest modifying an EPG in accordance with a *user requested* change to a portion of an EPG. Watanabe is limited to changing the status of broadcast programs which relate to when offers of programming or other items expire (i.e., not a user requested change). Further, as discussed above with respect to claim 1, there would have been no motivation to combine the references in the asserted manner. For example, the asserted motivation fails to address why one of ordinary skill in the art would have wanted to use *time triggers* to change a font or background. Accordingly, claim 10 is allowable for at least these reasons.

Independent claim 14 recites features similar to those discussed with respect to claim 10 and is thus allowable for substantially similar reasons as claim 10.

Claims 11-13 and 15 are dependent on claims 10 and 14, respectively, and are thus allowable for at least the same reasons as their base independent claim.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

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Dated: February 8, 2008

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